

Appl. No. 10/689,012

Amendment in Resp. to Office Action of Feb 4, 2005

UTILITY PATENT

B&D No. TN-3167A

REMARKS

Applicants have amended Claims 31-39 and 42, and canceled Claims 40-41. Currently in the above-identified application therefore are Claims 31-39 and 42.

The Examiner has rejected Claims 31 and 39 under 35 USC § 103 as being unpatentable over US Patent No. 6,502,319 ("Goodrich") in view of US Patent No. 6,431,508 ("Courson"). Examiner also rejected Claims 32-34 under 35 USC § 103(a) as unpatentable over Goodrich in view of Courson in further view of US Patent No. 5,539,990 ("Le"). In addition, the Examiner rejected Claims 35-38 under 35 USC § 103(a) as unpatentable over Goodrich in view Courson in further view of US Patent No. 4,700,489 ("Vasile"). Finally, the Examiner rejected Claim 42 under 35 USC § 103(a) as being unpatentable over Goodrich in view of Courson in further view of US Patent No. 4,947,616 ("Sorton"). Reconsideration and withdrawal of these rejections are respectfully requested.

Claim 31, as amended, calls for a level disposable on a reference surface comprising a housing, a first light diode disposed in the housing for emitting a first light beam along a first path, a first lens disposed in the housing in the first path for converting the first light beam into a first planar beam, the first planar beam forming a first line on the reference surface, a hanging assembly connected to the housing for mounting the level to the reference surface, the hanging assembly comprising a reference surface assembly that contacts the reference surface, and a magnet disposed on one of the reference surface assembly and the housing, and a metal plate disposed on the other of the reference surface assembly and the housing, wherein the hanging assembly is connected to the housing via the magnet and the metal plate.

The Examiner asserts that it would be obvious to combine the assembly as taught in Courson with the device of Goodrich. In view of the above amendments, Applicant respectfully

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requests reconsideration and withdrawal of this rejection. Courson fails to teach connection of an external housing 20 to a hanging assembly 11 via a magnet and a metal plate. But rather, the housing 20 is connected to the hanging assembly 11 via one of a flexible loop 16 or a twist and lock structure 31.

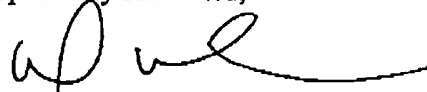
Such advantageous arrangement as disclosed in the above amended claim is not taught or suggested in Goodrich, Courson, Le or Vasile. Accordingly, these references cannot render Claim 31 and its dependent claims unpatentable.

In view of the arguments presented hereabove, the Examiner's rejection of the following claims is moot: Claims 32-34 under 35 USC § 103(a) as unpatentable over Goodrich in view of Courson in further view of Le; Claims 35-38 under 35 USC § 103(a) as unpatentable over Goodrich in view Courson in further view of Vasile; and, Claim 42 under 35 USC § 103(a) as unpatentable over Goodrich in view of Courson in further view of Sorton.

In view of the foregoing, all the claims are patentable and the application is believed to be in condition for formal allowance. Reconsideration of the application and allowance of Claims 31-39 and 42 are respectfully requested.

A three month extension for response is hereby requested. The Commissioner is authorized to charge payment of any fees due in processing this response, or credit any overpayment to Deposit Account No. 02-2548.

Respectfully submitted,



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